IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 90 of 2004

Mohan Chandra Upreti,
S/o Sri Chintamani Upreti,
R/o Village & Post Betalghat,
Teshil Koshya Kutoli,
District Nainital. ……. **Appellants**

Versus

State of U.P. through Secretary,
Forest, U.P. Civil Secretariat,
Lucknow & others. …..….. **Respondent**

Mr. Manoj Tewari, learned counsel on behalf of the appellant.
Mr. K.P. Upadhayaya, learned Brief Holder for the State of Uttaranchal.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon,J.

(Per Hon'ble the Chief Jutice)

1. Heard Mr. Manoj Tewari, learned counsel for the appellant and Mr. K.P. Upadhyaya, learned Brief Holder for the State.

2. The appeal has no merits whatsoever. In fact, the petitioner i.e. the appellant herein has got more than what he actually deserved in view of the fact that the learned Single Judge has directed the consideration of his notional promotion.

3. The petitioner's case is that he is entitled, not only to the notional promotion, but also to the actual promotion and thereby, would be entitled to get all the monetary benefits. The petitioner, not having challenge3d his supersession which is somewhere in 1976, that relief could not have been given to the petitioner. The petitioner did not choose to challenge the supersession in time. It is, probably, after the petitioner has retired that it dawned upon the petitioner to claim the seniority or as the case may be, the deemed date of promotion.

4. We are not, at all impressed by the writ petition. There is no reason to interfere with the order passed by the learned Single Judge. The appeal is dimissed.

(Rajesh Tandon,J.)
02.12.2004

(V.S. Sirpurkar, C.J.)
02.12.2004

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